

## Chapter 9.03

### Erosion Prevention and Sediment Control

#### Sections:

<b>9.03.010</b>	<b>Title.</b>
<b>9.03.020</b>	<b>Purpose.</b>
<b>9.03.030</b>	<b>Scope.</b>
<b>9.03.040</b>	<b>Severability.</b>
<b>9.03.050</b>	<b>Liability.</b>
<b>9.03.060</b>	<b>Definitions.</b>
<b>9.03.070</b>	<b>Authority.</b>
<b>9.03.080</b>	<b>Erosion Prevention and Sediment Control.</b>
<b>9.03.090</b>	<b>Permit Required.</b>
<b>9.03.100</b>	<b>Erosion Prevention &amp; Sediment Control Plan Requirements.</b>
<b>9.03.110</b>	<b>Enforcement / Penalties.</b>
<b>9.03.120</b>	<b>Appeals.</b>
<b>9.03.130</b>	<b>Fees.</b>
<b>9.03.140</b>	<b>Nuisance Abatement.</b>

#### **Section 9.03.010 Title.**

These regulations contained herein, together with the Erosion Prevention & Sediment Control Manual, shall be known as the “City of Corvallis Erosion Prevention and Sediment Control Standards,” may be cited as such and will be referred to herein as “these Standards.”  
(Ord. 2004-17 §1, 09/20/2004)

#### **Section 9.03.020 Purpose.**

The purpose of these Standards is to establish uniform requirements for development and construction related activities in order to control the occurrence of erosion and to prevent the creation, migration and/or transport of erosion at the source during construction and development.  
(Ord. 2004-17 §1, 09/20/2004)

#### **Section 9.03.030 Scope.**

- 1) These Standards apply to all ground disturbing activities whether or not a permit is required, unless such activities otherwise are exempted by Corvallis Municipal Code.
  - 2) Compliance with Other Laws.
    - a) The requirements of these Standards are minimum requirements. Compliance with these Standards does not in any way imply, either directly or indirectly, compliance with any other law. Where the provisions of these Standards are more restrictive than those set forth in other regulations under the City Municipal Code, Land Development Code, or ordinance, the provisions of these Standards shall control. Where State or Federal natural resource agency permit requirements address erosion prevention and sediment control, the responsible party shall ensure that the State or Federal resource protection requirements have been resolved.
- (Ord. 2004-17 §1, 09/20/2004)

#### **Section 9.03.040 Severability.**

If any section, paragraph, subdivision, clause, sentence, or provisions of this title shall be adjudged by any court of competent jurisdiction to be unconstitutional or invalid, such judgment shall not affect, impair, invalidate, or nullify the remainder of the title, but the effect thereof shall be confined to the section, paragraph, subdivision, clause, sentence or provision immediately involved in the controversy in which such judgment or decree shall be rendered, it being the intent of the governing body to enact the remainder of this title notwithstanding the parts to be declared unconstitutional and invalid.  
(Ord. 2004-17 §1, 09/20/2004)

**Section 9.03.050            Liability.**

The City officials charged with the enforcement of this code, acting in good faith and without malice in the discharge of the duties required by this code or other related laws and ordinances shall not thereby be rendered personally liable for damages that may accrue to persons or property as a result of an act or by reason of an act or omission in the discharge of such duties.  
(Ord. 2004-17 §1, 09/20/2004)

**Section 9.03.060            Definitions.**

For the purpose of this chapter, the following definitions shall apply:

- 1) **Approval or Approved** - a determination by the City Manager or his/her designee that the provisions of these Standards have been met.
- 2) **Best Management Practices (BMPs)** - a physical, chemical, structural or managerial practice that prevents, reduces, or treats contamination of water or which prevents or reduces soil erosion.
- 3) **City Manager** - the City Manager or other designated authority charged with the administration and enforcement of these Standards, or the City Manager's duly authorized representative.
- 4) **Erosion** - the wearing away of the earth's surface due to the action of gravity, wind, water or other mechanical forces.
- 5) **Ground Disturbing Activity** - any activity that exposes soil.
- 6) **Pollutants** - substances that contaminate the soil or water originating on a construction site. Pollutants commonly associated with construction sites include sediment, solid and sanitary wastes, fertilizers, pesticides, oil and grease, concrete truck washout, sheet rock taping compound, glues, epoxies, paints, construction chemicals and construction debris.
- 7) **Responsible Party** - the property owner or person authorized to act on the owner's behalf; or any person allowing, causing or contributing to a violation of the Code.
- 8) **Sediment** - mineral or organic matter generated as a result of erosion.
- 9) **Visible and Measurable Erosion and Sediment Release** -
  - a) sloughing, mud flows, gullies, sediment laden water, or other visual evidence that erosion has occurred or is likely to occur.
  - b) the presence of deposits or tracking of sediment exceeding one half cubic foot in volume at any one time on public or private streets, in drainage systems, and/or on adjacent property.
  - c) in streams or drainage systems, an increase in total suspended solids and/or turbidity relative to a control point immediately upstream of the discharge point of the sediment generating activity.
  - d) evidence of off site airborne sediment clearly visible to the eye.

(Ord. 2004-17 §1, 09/20/2004)

**Section 9.03.070            Authority.**

- 1) These Standards shall be administered and enforced by the City Manager.
- 2) The City Manager shall have the authority to develop and implement procedures, forms,

policies, and interpretations for administering the provisions of these Standards.  
(Ord. 2004-17 §1, 09/20/2004)

**Section 9.03.080            Erosion Prevention and Sediment Control.**

Erosion and sediment release shall be minimized to the greatest extent practicable utilizing best management practices and the standards in the Erosion Prevention and Sediment Control Manual. The City Manager shall make minimization determinations based upon the visible and measurable erosion and sediment release criteria versus the best management practices (BMP's) being applied.  
(Ord. 2004-17 §1, 09/20/2004)

**Section 9.03.090            Permit Required.**

An erosion prevention and sediment control (EPSC) permit is required before commencing ground disturbing activity affecting 2000 square feet or greater, cumulatively, throughout the duration of the development.  
(Ord. 2004-17 §1, 09/20/2004)

**Section 9.03.100            Erosion Prevention & Sediment Control Plan Requirements.**

The applicant shall submit an Erosion Prevention & Sediment Control Plan (EPSCP) for projects requiring an EPSC permit prior to commencing any ground disturbing activity. All plans shall comply with the minimum standards set forth in the City of Corvallis Erosion Prevention & Sediment Control Manual.

1) Erosion Prevention and Sediment Control Plans

a) Erosion prevention and sediment control plans shall be prepared in conformance with and shall demonstrate compliance with these Standards and the City of Corvallis Erosion Prevention & Sediment Control Manual in effect at the time of application.

b) The EPSCP shall be reviewed and approved by the City Manager prior to commencing any ground disturbing activity including installation of erosion and sediment control BMPs.

c) The EPSCP shall be implemented only after approval and prior to commencing any ground disturbing activity.

d) Subsequent development permits (Grading, Public Improvement, or Building) will not be issued prior to implementation of the EPSCP unless authorized by the City Manager or his/her designee.

2) Approval of Erosion Prevention and Sediment Control Plan

a) The City Manager or his/her designee shall approve the EPSCP if it demonstrates compliance with these Standards and the adopted City of Corvallis Erosion Prevention & Sediment Control Manual. An EPSC permit shall be issued following approval of the plan and verification from the applicant that all other rules and laws governing this aspect of development have been addressed and are in compliance.

b) The responsible party shall be accountable for obtaining re-authorization for implementing any EPSCP modifications needed due to conflicts, omissions, changed conditions, damage or other factor jeopardizing compliance with these Standards.

c) In cases where erosion is occurring, the responsible party must immediately install interim control measures to stabilize the condition and minimize sediment leaving the site. The responsible party will be required to provide new plans, or revisions to existing plans, for review that provide for long term erosion and sediment control. Upon approval of the plans, the new measures described must be implemented in a timely manner.

(Ord. 2004-17 §1, 09/20/2004)

**Section 9.03.110            Enforcement / Penalties.**

The City Manager is authorized and directed to enforce all the provisions of these Standards and may conduct inspections whenever it is necessary to enforce any provisions of these Standards to determine compliance or whenever the City Manager has reasonable cause to believe there exists any violation of these Standards.

1) Inspection and Right of Entry. When it may be necessary to inspect to enforce the provisions of these Standards, the City Manager, in accordance with administrative policy, may enter the building or premises at reasonable times to inspect or to perform the duties imposed by this code, provided that if such building or premises be occupied, that credentials be presented to the occupant and entry requested. If such building or premises be unoccupied, the City Manager shall first make a reasonable effort to locate the owner or other person having charge or control of the building or premises and request entry. If entry is refused, the City Manager shall have recourse to the remedies provided by Municipal Code Chapter 1.15 to secure entry.

2) Notification. When it is determined that a violation of this code has occurred, the City Manager shall notify the responsible party and the property owner in writing of the violation observed. The notice of violation shall either be delivered to the responsible party or posted at the property site of the violation, and mailed to all responsible parties.

3) Stop Work Orders. When it is necessary to gain compliance with this code, the City Manager may issue a written stop work order requiring that all work, except work directly related to the elimination of the violation, be immediately and completely stopped. The responsible party shall not resume work until such time as the City Manager provides specific approval in writing.

4) Penalties. Any person violating any of the provisions herein for which a penalty has not been otherwise provided, shall upon court conviction thereof, be punished by a fine of at least \$100.00 but not more than \$5000.00 per offense. Each day that a violation exists is a separate offense.  
(Ord. 2004-17 §1, 09/20/2004)

**Section 9.03.120            Appeals.**

1) Appeals of orders, decisions or determinations made by the City Manager relative to the application and interpretation of the technical and/or scientific requirements of this Chapter shall be to the Board of Appeals established in Section 9.01.090 of this code, and shall be conducted in the same manner set forth in that Section, except that the City Manager shall be substituted for the Building Official, where appropriate.

2) Appeals of orders, decisions or determinations made by the City Manager related to the application and interpretation of the administrative or procedural requirements of this chapter shall be made to the City Council in the manner set forth under Chapter 1.11 of this Code, and shall be reviewed according to the standards set forth in Chapter 1.11. Decisions about whether a matter is administrative or technical shall be made by the City Manager and any appeal shall be to the City Council in the manner set forth above.

3) Filing Parties

a) Appeals may only be filed by the following parties affected by a decision:

1] Any responsible party as defined in this Standard;

2] Any resident or property owner within 150 feet of a parcel of land that is the subject of the decision; or,

3] Any agency, officer, or department of the City which has the responsibility for providing City facilities and/or services to the parcel of land.

b) Appeals submitted under this chapter shall include a \$240 filing fee.

c) Appeals may be filed regarding notices, orders, interpretations and decisions made by

the City Manager relative to these Standards.

d) An appeal must be in writing and include the following:

- 1] name of person filing the appeal
- 2] copy of the notice and order
- 3] copy of the section of these Standards which is being appealed
- 4] a complete explanation of the appeal
- 5] what is requested of the City Council

e) The City Manager shall schedule a meeting of the board within 30 days of the filing of the appeal. The board of appeals shall grant a hearing or dismiss the appeal. The appeal shall be dismissed if the board finds that the appeal does not meet the criteria in subsection 9.01.090.020 or this Standard. If the appeal is dismissed, the City Manager's decision is final. The hearing shall be held not later than 30 days after filing the appeal.

4) Filing Date. Appeals must be filed within seven (7) calendar days plus three (3) days for mailing from the date of the decision of the Director.

(Ord. 2004-17 §1, 09/20/2004)

### **Section 9.03.130 Fees.**

The City shall collect a fee for the purpose of offsetting administrative costs associated with processing applications, reviewing plans, issuing permits, conducting inspections and enforcing these Standards. Fees charged under these Standards shall be as provided in Chapter 8.03.

(Ord. 2004-17 §1, 09/20/2004)

### **Section 9.03.140 Nuisance Abatement.**

#### **1) Summary Abatement Authorized**

The City Manager may determine that the failure or non-existence of erosion, sediment and pollutant control measures as required by this Code constitute a nuisance presenting an immediate threat of injury to the public health, the environment, or public or private property. Such nuisances shall be subject to the requirements of this Section. In cases where the City Manager determines it is necessary to take immediate action in order to meet the purposes of this Code, summary abatement of such nuisance is authorized.

#### **2) Notification Following Summary Abatement**

When summary abatement is authorized by this Code, the decision regarding whether or not to use summary abatement shall be at the City Manager's discretion. In case of summary abatement, notice to the responsible party prior to abatement is not required. However, following summary abatement, the City Manager shall post upon the affected site the abatement notice describing the action taken to abate the nuisance and shall cause a notice to be mailed to the owner at the owner's address as recorded in the county assessment and taxation records for the property.

#### **3) Financial Responsibility.**

a) Whenever a nuisance is abated under this section, the City Manager shall keep an accurate account of all expenses incurred.

b) The City Manager shall file a statement of such costs with the City Finance Department. Upon receipt of the statement, the Finance Director or his/her designee shall mail a notice to the property owner, stating the City's intent to assess the property in question the amount due plus charges to cover the costs of processing. In the event that amount due set forth in the notice is not paid in full within 30 days of the date of notice, the City Finance Director shall enter the amount of the unpaid balance, plus charges to cover administrative costs in the Docket of City liens which shall therefore constitute a lien against the property.

(Ord. 2004-17 §1, 09/20/2004)

